



30 years

**OF HARD  
LABOR**

**FORD & HARRISON<sup>LLP</sup>**  
THE RIGHT RESPONSE AT THE RIGHT TIME

Annual Review 2007



## HOW DOES A LAW FIRM GROW?

### **Dear Friends,**

Ford & Harrison continues to grow by listening to what is on the minds of employers and employees—and being ready to provide employers with the right response at the right time. We stay several steps ahead by intensely searching for insights into new issues as they arise regionally and nationally. That has been our pattern for 30 years of growth.

We started in 1978 with an office in Atlanta and 14 lawyers. For years we were perceived to be much like 25 to 30 other regional labor and employment firms. Now, with 18 offices, we are among the four biggest labor and employment firms.

We're excited about having gone from one of many to one of the few.

### **Growth Makes Us More Cost Effective**

With 200 lawyers, we share our knowledge and insights across a wider field. Even though an office may have 10 lawyers, its clients benefit from a 400-person combined knowledge base of lawyers and legal staff dedicated to building better workplaces.

What doesn't change as we grow is the commitment to superior client service that has always distinguished Ford & Harrison. Client service is a key element in our Year One program, which instills in new lawyers the importance of understanding the real-life needs of clients, no matter what the labor and employment issues may be.

The most important issues of 2007 and 2008 are the focus of this review. In tackling these issues we've used all of our 30 years' experience combined with ideas contributed by lawyers throughout Ford & Harrison.

### **Being Smart About Labor Relations**

We've been leaders in labor negotiations and union matters for three decades. With many clients in the airline and hospital industries, about 40 percent of our practice is traditional labor law. The issues, however, are no longer the traditional ones. We've evolved from confrontations on the picket line to sophisticated economic dialogue with a new breed of labor leaders.

### **Knowing How to Win in Court: Wage-and-Hour and Discrimination Cases**

Litigation remains a cornerstone of our practice. More than 120 of our lawyers have significant courtroom experience. Wage-and-hour cases. Discrimination suits. ERISA class actions. Sexual harassment allegations. Wrongful-termination claims. And much more.

Not every case is a landmark in employment law. But we regard every case and every defense victory as vitally important to our client.

**Anticipating Trends in the Law and Society:  
Trade Secrets**

We are students of the workplace and students of society at large, because changes in the workplace reflect the shifting values and interests of both individuals and businesses. One example is the controversial area of trade secrets.

Not many years ago, trade secrets was a fringe issue in employment law. Today it is a central concern in hiring, training and terminating not just key employees, but nearly everyone in the company. And trade secrets and non-compete clauses in employment contracts are a growing area of our practice.

**Responding as the Business World Changes:  
Immigration**

Globalization means that not only goods, but also the people who invent and produce them, must cross borders more often. Unfortunately, the laws and regulations of the United States and other nations have not caught up with the reality of a truly global economy.

Ford & Harrison helps clients overcome the difficulties of operating a multinational company. On many days, that entails coping with I-9 compliance and enforcement of regulations regarding undocumented workers in the United States. But on many other days we are arranging to relocate an entire technical team to a site in the United States, Japan or another nation.

**Building Better Workplaces: Everywhere**

Our mission is to make the workplace a better place—more orderly, more human, more productive. That's a job we can't do on our own. In fact, the most important advances are made by our clients themselves.

To make that possible, we create and present an array of training programs, seminars, DVDs, SourceBooks and manuals that put proven tools and best practices into hands of managers, HR professionals and in-house lawyers in offices and plants across the country.

We are proud of how we've grown. However, we will always measure success not by numbers of lawyers and offices, but by the progress of our clients in building a better workplace.



**C. Lash Harrison**  
Managing Partner

# THE RIGHT RESPONSE AT THE RIGHT TIME

## 1978-2008

*The Best Lawyers in America 2008* honors 60 Ford & Harrison lawyers for the excellence of their work.

*Chambers USA 2008* ranked Ford & Harrison as one of America's top labor and employment law firms.

*Chambers* also named us the top labor and employment firm in Florida and Tennessee and among the top firms in Georgia, Illinois and South Carolina.

*Chambers* recognized 15 Ford & Harrison lawyers as among the best labor and employment lawyers in the nation.

BTI Consulting Group's *Power Ranking Survey* (2007) honored Ford & Harrison as a "Bet-the-Company" firm and a member of the BTI Client Service A-Team.



# NEW INTELLIGENCE IN LABOR

# RELATIONS

Forget the old formula: labor vs. management. Today labor is sharing the risk with management—willing to sacrifice wages and benefits now for job security in the future. The new formula is much more complex. To help clients compete, we've mastered the macro-economic factors without losing our grip of the workplace rules that are critical to productivity.

## Saving an Airline

One of America's oldest airlines is still flying because we used the carrier's financial statements to convince its unions that bankruptcy was imminent. The union agreed to changes in wages and work rules that have improved productivity and reduced aircraft downtime.

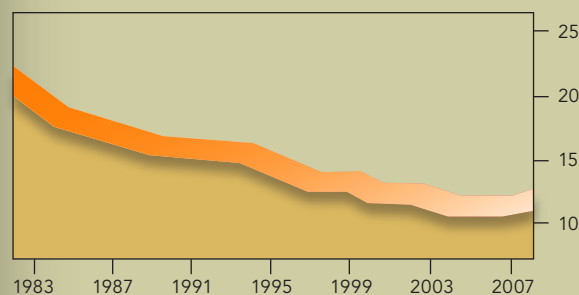
## Standing Up for Performance Standards

When a national retail chain installed employee-performance standards at a distribution center, the Teamsters complained they had not been given a chance to bargain about the standards. In a four-day hearing, we convinced the arbitrator that the retailer had no contractual or legal duty to bargain about performance standards.

## Calling the Union's Bluff

We successfully represented Brennan Manufacturing in an organizing campaign where the union bragged it had authorization cards signed by 80% of the employees. When the votes were counted, the company won by a margin of 5 to 1.

% OF U.S. WORKFORCE WHO ARE UNION MEMBERS



Source: Bureau of Labor Statistics

## WHY UNIONS ARE ON THE REBOUND

In 2007, union membership increased by 311,000, to 15.7 million, reversing a 24-year decline. Throughout that period, Ford & Harrison helped clients counter unionization of hundreds of plants, offices, hospitals and other workplaces.

Although union prevention remains a top priority for many clients, for others we're working with unions to negotiate contracts that ensure their businesses will survive against foreign competition.

## FOUNDED IN ATLANTA

In our **first years**, we focused primarily on labor relations issues and union-organizing campaigns. Today Ford & Harrison's lawyers cover all aspects of labor and employment law from **18 offices** across the country.



# 1978-1982

# 1983–1987



## KEEPING EMPLOYERS UP-TO-DATE

We began presenting educational programs for in-house counsel and HR professionals more than 15 years ago. In the past year, we have held regional symposiums in Atlanta, Chicago, Memphis and Tampa as well as breakfast briefings throughout the country to help clients stay abreast of developments in labor and employment law.



## WEST COAST EXPANSION

By 1988, our client HCA was operating more than 40 hospitals in California, and we were traveling there often. To provide the service HCA and other West Coast clients deserve, we opened a Ford & Harrison office in **Los Angeles**.



# A WIN–WIN WORKPLACE

**W**hat works best in the workplace are policies that promote productivity and reduce employee/employer friction. Ford & Harrison is known for helping clients achieve both goals.

- We design policies and train clients to implement practices that minimize the risk of successful claims of discrimination, equal pay violations, breaches of employment contracts and wrongful discharges.
- We weave together benefit packages—health/disability benefits, vacation, day care centers, wellness programs and scholarship funds—that promote stability in the workforce and greater productivity in the workplace.

## F&H Solutions to HR Issues

The seasoned HR professionals in our affiliate, F&H Solutions Group, work with clients to develop collaborative solutions to human resources needs and requirements.

Their capabilities span the entire HR platform—from assessment through execution and implementation—in areas that include crisis management, employee communications, diversity, leadership training, talent management and recruitment, positive employee relations, absence management, labor relations, benefits, and compensation and wage-and-hour consulting.





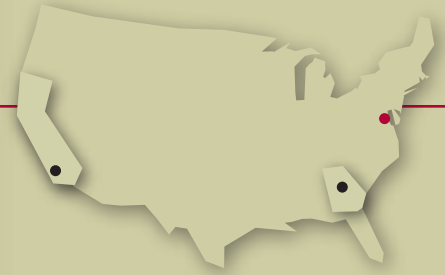
# 1988-1992

## ARRESTING THE GROWTH OF FLSA

We've been defeating wage-and-hour claims for three decades. In 1938, the Fair Labor Standards Act law was written for machinists who ran metal-stamping machines and supervisors who walked the floors of warehouses. But today the FLSA is fueling wage-and-hour class actions against retailers and service industries.

## GAINING A NATIONAL PRESENCE

As our roster of airline clients grew throughout the 1980s, we were meeting increasingly often with the National Mediation Board, which administers the Railway Labor Act from its offices in Washington, D.C. In 1992, to facilitate meetings with the NMB, we opened an office in the nation's capital.



# HOW TO WIN THE WAGE WAR

Wage-and-hour suits are rampaging like kudzu. FLSA suits have tripled since 2000. One estimate sets settlement costs for overtime and other wage-and-hour suits at more than \$1 billion per year.

### No Wages for Waiting

Baker Concrete Construction bused workers from a parking lot to its worksite at the Miami airport. The workers claimed they should be paid for the ride and the wait at a security checkpoint. We convinced the federal trial court and the 11th Circuit otherwise.

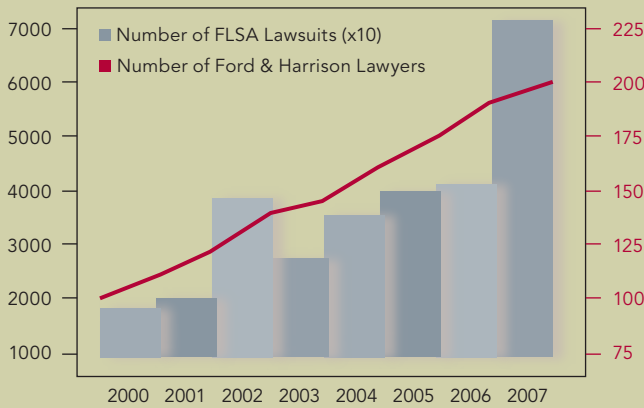
### Class Actions Go Flat

We've blocked would-be nationwide collective actions against a national retailer by successfully challenging the methods used by plaintiffs' counsel in soliciting putative class members.

### Class Action Lacks Pop

We helped Coca-Cola Bottling Co. Consolidated defend against an FLSA action with 47 potential plaintiffs by settling for \$11,000 at the pre-certification stage.

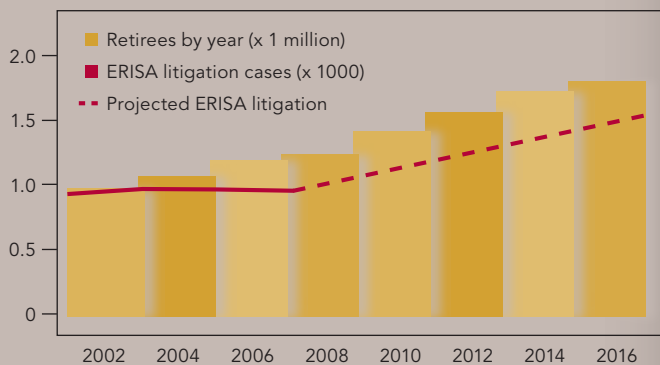
GEARING UP TO FIGHT THE FLSA EPIDEMIC



Source: Admin. Office of U.S. Courts

# THE FUTURE OF ERISA

AS BABY BOOMERS RETIRE, ERISA LITIGATION WILL TAKE OFF



Source: Admin. Office of U.S. Courts; U.S. Census Bureau

The impending retirement of 78 million baby boomers is placing new demands on companies with retirement and health and welfare plans subject to the complex rules of ERISA. For example, the expanding retiree population will impact employers' financial ability to provide any type of retiree health benefits.

On the retirement plan side, we help clients create alternative solutions—profit-sharing, 401(k), money-purchase and defined benefit plans. On the health plan side, we help clients develop policies that steer clear of regulatory problems.

### TIMCO Avoids Class Action About 401(k) Fees

Class action suits alleging excessive fees for management of retirement plans are a growing trend. We recently helped TIMCO, an aviation services company, ward off one such suit.

### Timber Company Withstands DOL Audit

In 2008, we assisted a timber company prepare for a Department of Labor health plan audit. The DOL closed the investigation without finding any issues with the company's health plan and health plan administration.

## ARRESTING THE IMPACT OF ERISA

We've grown up with ERISA. We've been defeating ERISA claims for many years. We defend retirement plans against claims of mismanagement, including "stock-drop" claims, in high-stakes trials, on appeal and in administrative and arbitral proceedings.

A team of Ford & Harrison ERISA litigators and benefits transactional attorneys focuses on all aspects of ERISA, as well as the Internal Revenue Code, the Bankruptcy Code, COBRA, HIPAA, the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act and other laws governing employee benefit plans.

1993-1997

## FORD & HARRISON ON THE MOVE

When clients grow, they want their law firm to grow with them. When legal trends arise, as class action suits did in the late 1990s, clients need us nearby to help. Both those factors led to our opening offices in Tampa, Miami and Memphis.







### THE LATEST HR CHALLENGE

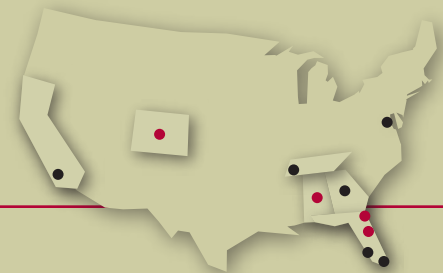
It's hard to find talented people, and when you find them you don't want competitors taking them away. That's one reason more companies are requiring that employees sign non-compete agreements. Not only IT companies, but companies in all fields. And not only key execs, but anyone down the line with access to company secrets.

The result is an explosion in litigation to enforce non-competes. Our chart shows only published decisions. The actual number of non-compete cases filed is far greater.

# 1998-2002

### DEEPER BENCH, WIDER REACH

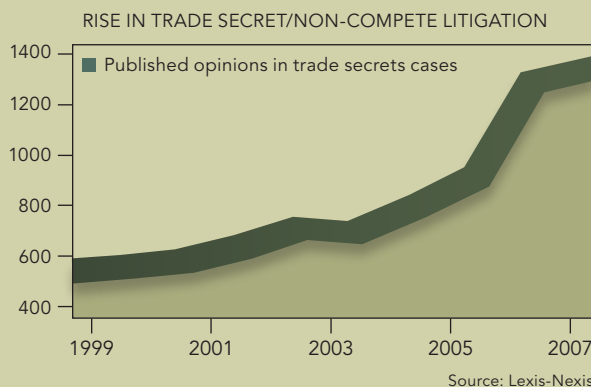
We're always searching for regional firms and excellent lawyers whose values and culture are a good match for Ford & Harrison. In 1998-2002, we found them in Orlando, Denver, Jacksonville and Birmingham.



## HOW TO KEEP A SECRET

A key employee has departed. He has strong relationships with your customers and intimate knowledge of your company. Or maybe you're the company interested in hiring him.

On one side, you may be trying to protect your customer list or drawings for a new product. If you're on the other side, you'd like to avoid a lawsuit. Companies on both sides call Ford & Harrison.



#### For Lockheed, Digital Evidence Is the Secret

When an executive at Lockheed Martin left for a competitor, we used computer forensic evidence and e-discovery to engineer a favorable settlement.

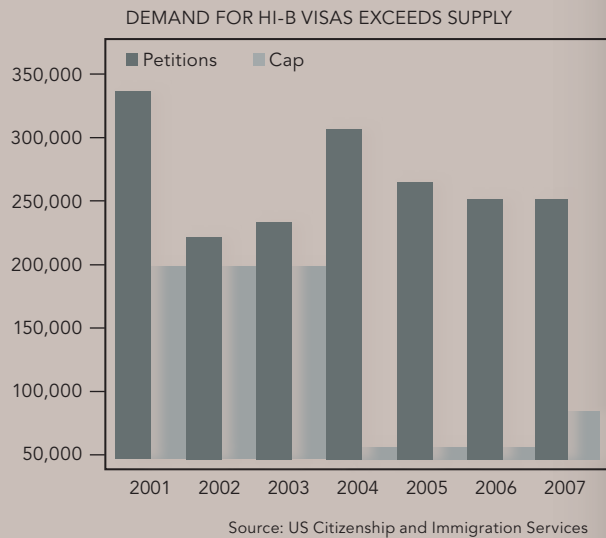
#### When Is a Trade Secret Not a Secret?

For a client accused of hiring an employee of a competitor to obtain its customer information, we successfully argued that the files containing the customer information were not trade secrets because there was no reasonable way to maintain their secrecy.

#### Injunctive Relief to Enforce Non-compete Covenants

We have persuaded courts in several states to enforce non-competes. In one case, we blocked a client's former head of national sales from competing in 38 states.

# BRIGHT MINDS IN THE RIGHT PLACES



While the demand for visas of all types has skyrocketed, the mechanics of obtaining visas is more complicated than ever before.

In the United States, in addition to obtaining visas that enable employees with high-level technical skills to work here, we're helping employers cope with recently stepped-up immigration enforcement, including worksite raids.

Worldwide, we're helping clients expedite outbound immigration, moving the talent they need to projects in Asia, the Middle East and elsewhere.

### International Airline Cuts No Corners

With \$22 billion in airplanes on order at Boeing, a Middle Eastern airline needs some of its brightest minds to oversee production in Everett, Washington. We help them obtain the U.S. visas that make that possible.

### Cementing Ties in Global Mergers

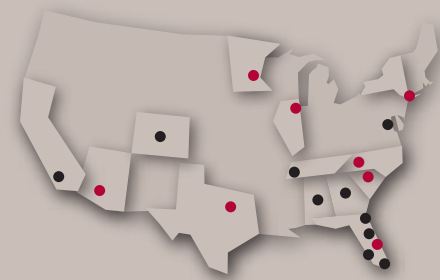
As Brazilian, French, Irish and Italian interests have acquired cement and other building-materials businesses in the United States, we have handled visas for their executives and technical managers.

## OVERCOMING THE TALENT GAP

H1-B visas are available only to skilled workers in fields like accounting, computer science and engineering. We are tenacious, diligent and highly skilled in pursuing H1-B's for Ford & Harrison clients.

We work hard to help clients meet the challenge of having the right skills in place in their operations. That sometimes means relocating entire offices to the United States. And it frequently means working intensely to satisfy special, one-time hiring requirements.

2003-2007



## KEEPING UP WITH CLIENTS

Clients grow, with our help. As they acquire and merge, they develop complex problems in absorbing the benefit plans and obligations of the companies they acquire. Which means we also must continue to merge and acquire. In the past five years, we've expanded to Asheville, Chicago, Dallas, Melbourne (Florida), Minneapolis, New York City, Phoenix and Spartanburg.





# LAWYERS IN THE COMMUNITY

The lawyers and staff of Ford & Harrison are deeply committed to serving the communities where we live and work. Examples of pro bono and community activities include:

## Nationwide

In 2007, we became national pro bono employment counsel for Habitat for Humanity International and its local affiliates.

## Atlanta

As part of The Health Law Partnership, we sponsor a lawyer who represents children whose needs are not being met. And we supported a Ford & Harrison lawyer to work full-time at the Atlanta Legal Aid Society for three months in 2007.

## Miami

Ford & Harrison has formed a Minority Law School mentoring program for students at University of Miami, Florida International University and St. Thomas University.

## Minneapolis

Ford & Harrison regularly provides pro bono legal services to nonprofit organizations through MAP, a management assistance program for nonprofit organizations in Minnesota.

## Orlando

We hold a school-supply drive for children who cannot afford supplies. Each child receives a uniform shirt, pair of shorts, socks and underwear. They also get items from their holiday "wish list."

## Spartanburg

Our Spartanburg office sponsors the Uptown Sertoma Group Auction for a Cause, which raises money for eight local nonprofits.

## Tampa

Among other projects, lawyers and staff in our Tampa office paint homes of the elderly and disadvantaged in the community.

# 2008—

## MENTORING FOR DIVERSITY

At Ford & Harrison, mentoring is constant, intense and customized to the needs of each lawyer.

While our programs benefit all associates, we are pleased to see that our efforts are improving recruitment as well as retention of women and minority lawyers as they grow and succeed in the firm and the profession. Three highlights:

- Our Alternative Schedules Policy accommodates associates who choose to work less than a "partner-track" schedule.
- As part of our Diversity Pipeline Initiative, Emory University first-year law students in the top third of their class who will increase the diversity of our firm may apply for a Ford & Harrison scholarship for a summer associate program at Emory.
- The Diversity Pipeline Initiative also expanded our associate mentoring program to include a mentoring network for all new diverse associates. Each associate's network will be made up of five partners and associates, including at least one partner in a firm leadership position.

# THE RIGHT RESPONSE AT THE RIGHT TIME



Our goal is to deliver the best service possible. Our continued growth regionally and nationally is clearly part of that service. Clients want to know their law firm is nearby to deal face-to-face with emerging situations in the workplace and to provide familiarity with local courts.

Geography is important—almost as important as finding and training superior lawyers. Ford & Harrison has always been successful in attracting top-tier legal talent. And when new lawyers join us, they find a culture where everyone learns and teaches every day.

To encourage that, we devote significant resources to developing future leaders of the firm with programs like our innovative “Year One” Associate Development Program, introduced in 2007.

## **YEAR ONE: NO BILLABLE HOURS**

For their first 15 months, Ford & Harrison first-year associates have a zero billable-hours requirement.

Instead, their progress is tracked in *clinical hours*—time spent in collective bargaining sessions, depositions, trials and hearings, labor or other arbitration cases, EEOC on-site investigations and strategy meetings with partners and clients—learning, rather than billing.

Year One is a hit with associates. “We will be able to tackle larger tasks sooner than our colleagues at other firms,” according to a first-year in our Washington office.

Year One is drawing praise from clients as well. “I am very impressed by Ford & Harrison’s progressive approach and commitment to the development of their associates,” said Regine Zuber, vice president and associate general counsel at Turner Broadcasting System. “I would think that this would be a great tool to attract the best and the brightest law school graduates.”

## **FORD & HARRISON UNIVERSITY: IN THE CLASSROOM AND ON THE JOB**

*Clinical hours* are not just for first-year associates. Associates second year and above can apply for clinical hours credit for on-the-job learning. Because of the value of this type of training to the firm and our clients, approved clinical hours count toward the associate’s billable hours goal for the year.

In the classroom, Ford & Harrison associates focused on the core skills of day-to-day practice in 2007. Programs included Ford & Harrison partners teaming with NITA professionals to conduct an intense, interactive deposition skills workshop, associates participating in a half-day program of public speaking and critique by outside experts and internal Ford & Harrison faculty leading an advanced legal writing workshop for all associates, focused exclusively on the nuts and bolts of summary judgment motions.

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1-800-416-7491 or visit [fordharrison.com](http://fordharrison.com).

### **FORD & HARRISON CLIENT SERVICE PROMISE**

1. We will be accessible and responsive.
2. We will keep you informed.
3. We will know and understand your business.
4. We will watch your budget.
5. We will provide excellent client service.

# FORD & HARRISON<sup>LLP</sup>

THE RIGHT RESPONSE AT THE RIGHT TIME

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Under New York 's Code of Professional Responsibility, and in some other states, portions of this Annual Review may be considered attorney advertising. Prior results do not guarantee a similar outcome. Results depend upon a variety of factors unique to each representation.

We have endeavored to comply with all known legal and ethical requirements in preparing the Annual Review. Ford &

Harrison LLP does not desire to represent clients based upon their reading of any portions of this Annual Review that do not comply with legal or ethical requirements. The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you written information about our qualifications and experience.

Certification as a labor and employment law specialist is not currently available in Tennessee.

The Alabama Rules of Professional Conduct require inclusion of the following statement: "No representation is made that the quality of the legal services to be performed is greater than the quality of legal services

performed by other lawyers." Lawyers listed in this Annual Review are not certified by the Texas Board of Legal Specialization. None of the lawyers listed are certified as an "expert" or "specialist" pursuant to any authority governing the practice of law in the state of New York.

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